

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

JACINTO GUZMAN SANTOS, JR.,
Institutional ID No. 57898-177

Plaintiff,

v.

No. 5:20-CV-00205-H

MICHAEL WELTY, *et al.*,

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff filed this Section 1983 action on August 27, 2020, alleging that Defendants violated his constitutional rights in connection with an arrest and subsequent criminal trial. *See* Dkt. No. 1. United States Magistrate Judge D. Gordon Bryant, Jr., conducted preliminary screening and recommended that the Court dismiss with prejudice Plaintiff's claims against Defendants Lubbock PD, Senior United States District Judge Sam R. Cummings, Attorney King, and Motel Manager Patel for failure to state a claim under 28 U.S.C. § 1915A. *See* Dkt. No. 17. Also, Judge Bryant recommended that Plaintiff's claims against Defendants Coulter, Caroland, Crockett, Daniels, Welty, Williams, and Castillo be dismissed with prejudice until the conditions of *Heck v. Humphrey*, 512 U.S. 477 (1994) are met. *Id.* Plaintiff did not file objections, and the time to do so has passed. The Court notes that Plaintiff's copy of the findings was returned as undeliverable on April 6, 2021, and Plaintiff has not informed the Court of his new address. (Dkt. No. 19)

The Court has examined the record and reviewed the findings, conclusions, and recommendation for plain error. Finding none, the Court accepts and adopts the findings,

conclusions, and recommendation of the United States Magistrate Judge. Plaintiff's complaint and the remaining claims are therefore dismissed with prejudice.


This dismissal will count as a qualifying dismissal under 28 U.S.C. § 1915A(b)(1), and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

Dismissal of this action does not release Plaintiff from the obligation to pay any filing fee previously imposed. See *Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

Plaintiff is advised that if he appeals this order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA,¹ and he must submit an application to proceed *in forma pauperis* and a 6-month certificate of inmate trust account at the same time he files his notice of appeal.

All relief not expressly granted and any pending motions are denied.

So ordered on May 5, 2021.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE

¹ Prison Litigation Reform Act of 1995.